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ABSTRACT

Official and unofficial tools are described in this brief guide for the uninitiated user who is searching for Canadian federal and provincial legislation and attendant regulations. The federal information presented is related to bills of the House of Commons and Senate, printing of legislative materials, standing and revised statutes, office consolidations, and statutory orders and regulations. Provincial materials have basically the same format as those for the federal jurisdiction. (CMV)

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A Concise Guide to the Process and Materials of Canadian Legislation

by Patricia M. Grenier

Documentation Centre

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The Legislative Process

The task of searching for a piece of legislation and its attendant regulations is a complex, often forbidding process to the uninitiated user. Information on a piece of legislation is useless unless it is accurate and completely up-to-date. The following tools, official and unofficial, will help you in your search.

A. Federal

I. Bills of the House of Commons
Bills of the Senate

A Bill is the first step in the law-making procedure. A Bill may originate in either the Senate or the House, except for a Bill concerned with public funds, which must originate in the House (B.N.A. Act 1867, section 53). If a bill is introduced in the House of Commons and approved there, it is then introduced in the Senate and follows a similar procedure. If a bill is first introduced in the Senate, the reverse procedure is followed.

Types of Bills

1) Public Bills - these are on matters affecting all citizens and are usually introduced by a cabinet member, e.g. Wildlife Act.
2) Private Bills - these are on matters relating to some particular locality or persons, and are introduced by Private Members of Parliament, e.g. Centre Amusement Co. Ltd. Act.

In order to become a law, a federal bill must receive three readings in the House and three in the Senate and then go to the Governor General for Royal Assent and for his signature. A bill comes into force, that is, becomes law, on the day on which it receives Royal Assent unless some other day or mode of coming into force is specified in the body of the bill. The law is then called an act or statute.

If a bill is not passed in a session (that is, does not receive three readings in both the House and the Senate) then the bill is not carried over into the next session of Parliament, but must be reintroduced and assigned a new number. It is important to remember that bills are numbered consecutively within a session, therefore, when you are trying to access a bill you must have the correct Session and Parliament number as well as the bill number. The numbering of Canadian federal bills for each session begins with Bill C-2 (Bill C-1 is the same bill for every session of Parliament-

"An Act respecting the Administration of Oaths of Office." It is introduced by the Prime Minister before the Throne Speech at the opening of each Session of Parliament. Reference to Bill C-1 is found in the Journals of the House of Commons. All bills, both private and public, are listed with their numbers in the table of contents of the printed Debates where they were discussed, and in the cumulative index to the Debates of each Session of Parliament. These tools can be used as a finding aid to ascertain the appropriate session and bill number.

II. Printing of Legislative Materials

All bills are printed after the first reading. Bills originating in the House are distinguished by the letter C and are numbered chronologically within each Session of Parliament; those of the Senate are distinguished by the letter S and are also numbered chronologically within each Session of Parliament. Successful bills are printed as passed after the third reading. When royal Assent has been given, these bills become Acts and are assigned individual chapter numbers along with name of the reigning sovereign and the year of reign, e.g. 23 Eliz II, c. 12

year of reign — name of sovereign — chapter number

III. Statutes of Canada

Since the 1974-75 Session of Parliament, the Acts have been published separately when they are passed, as Part III of the Canada Gazette. The purpose of Part III of the Canada Gazette is to publish Acts as soon as is reasonably practicable after they have received Royal Assent, in order to expedite their distribution. From time to time there is published, as an issue of Part III, a Table of Public Statutes from 1907 to the date shown on the Table. The Table of Public Statutes gives the short title of public acts in force, where they can be found, and reference to any amendments to them. Since 1867, statutes have also been published in bound form at the end of each session as the Acts of the Parliament of the Dominion of Canada, or as they are more commonly known, the Statutes of Canada. These are published chronologically in annual volumes arranged by chapter number. Each volume contains the text of the acts passed during a session of the Legislature, and a Table of Public Statutes.

Amendments to acts already in force appear as bills in the same way as new legislation, and then as individual chapters in the Canada Gazette Part III or the Statutes of Canada bound volumes as above. They appear only as an "Act to amend..." (e.g. Act to Amend the Canada Elections Act, chapter 3, 1977) and are not consolidated with the act which they amend until the Revised Statutes are pub-

(see below)

lished or until an office consolidation may be issued.

IV. Revised Statutes of Canada

Editions of the Revised Statutes of Canada which contain up-to-date legislation amended since its original passage, were issued in 1886, 1906, 1927, 1952 and 1970. The 1970 edition consists of seven volumes of Statutes consolidated to December 31, 1969, two Supplements which cover the sessions of Parliament held before the Revision was proclaimed into force July 15, 1971, and a special feature, an Appendix volume which includes the Canadian Bill of Rights, and constitutional acts and documents (e.g. The Quebec Act of 1774; the Union Act, 1840; The British North America Act, 1867; the Alberta Act, etc.). The final volume is an Index.

Supplements to the Revised Statutes 1970 were issued because the delay in proclamation meant that certain statutes found in the Revision had been amended before the Revision came into force. Supplement I, generally speaking, repeals and replaces the annual statute volume for 1969-70. Supplement II contains only those statutes for the session 1970-71-72 which amend Revised Statutes 1970 or Supplement I. For new legislation the 1970-71-72 annual volume is issued.

The 2nd Supplement contains useful Tables which supersede those found in the Appendix:

1) Schedule A, a Table showing the acts repealed and replaced by R.S.C. 1970 (Revised Statutes of Canada 1970), and the extent of the repeal;

2) A Table showing the History and Disposal of Acts, indicating all statutes in force which have been examined for inclusion in R.S.C. 1970, and where they may be located in the Revision;

3) A Table of Public Statutes to the entire R.S.C. 1970, showing the location of acts in the R.S.C. and its supplements. This Table is updated by that found in the Canada Gazette Part III;

4) A Table of unconsolidated acts, those acts not included in the Revised Statutes (although still in effect) usually because they were temporary, international agreements, of limited application, or no longer considered to be of importance. (1)

V. Office Consolidations

From time to time, the government may issue a special com-

(1) Teeple, Diane. Canadian Law: Legal Research to accompany Pollack's Fundamentals of Legal Research. 4th ed. by J. Myron Jacobstein & Roy M. Mersky. Mineola, N.Y.: The Foundation Press, Inc., 1975.

pilation and consolidation of an individual statute for the convenience of court officials, lawyers, and the public in general, (e.g. Regional Development Incentives Act, Office Consolidation). Caution must be exercised in using these; do not assume that this is the most current form of the law; further amendments to the legislation may have been passed since the publication of an office consolidation.

VI. Statutory Orders and Regulations (Administrative Law)

"Regulations" (statutory orders) is the generic term referring to those rules, regulations, by-laws, or orders made pursuant to a particular statute. In plain English, these are administrative rules for carrying out the statutes, prepared by public servants and approved by the cabinet. For example: "Small Vessel Regulations" under the Canada Shipping Act, R.S.C. 1970, chapter S-9.

The Canada Gazette Part II issued bi-weekly contains the text of all "regulations" (SOR - Statutory Orders & Regulations) as defined in the Statutory Instruments Act (S.C. 1970-71-72, c. C38), as well as the text of certain other classes of Statutory Instruments (SI) and documents required to be published therein. However, certain regulations and classes of regulations are exempted from publication by section 27 of the Statutory Instruments Act. A quarterly consolidated Index of Statutory Instruments is published as an issue of the Canada Gazette Part II, covering the period from January 1, 1955 to the date shown on the index. As well, each issue of Part II has its index at the end.

The Canada Gazette Part II began publication in 1947. Prior to that date, Regulations were published as follows:

i) 1875-1939 - in the preliminary section of the Statutes of Canada

ii) 1940-Oct. 1945 - Canadian War Orders and Regulations

iii) Oct.1945-Jan.1947 - Statutory Orders and Regulations

In Summary:

1. To find a Bill - ascertain session number and bill number from the indexes and tables of contents of the debates of the House and the Senate

2. To find a statute - consult the index in the most recent annual volume of the Statutes, to ascertain the

title and number of the act
- consult the most recent "Table of Statutes" in an issue of the Canada Gazette Part III for up to date references to any amendments to that act

3. to find a regulation pursuant to an Act
- consult the most recent quarterly consolidated index to the Canada Gazette Part II, and then the individual indexes to subsequent issues of the Canada Gazette Part II

B. Provincial

The provinces publish legislative material similar to the federal government. These materials have basically the same format as those for the federal jurisdiction. For example, Ontario:

i) Bills of the Legislative Assembly

ii) Statutes of the Province of Ontario

iii) Revised Statutes of Ontario
these have been issued in 1877, 1887, 1897, 1914, 1927, 1937, 1950, 1960 & 1970

iv) Ontario Gazette

v) Revised Regulations of Ontario 1970

HOW TO FOLLOW THE PROGRESS OF BILLS

If you wish to find out at what stage a bill is in its journey through Parliament, or if you are unsure of the session number and bill number for a piece of legislation under consideration, the following tool is of some assistance:

Canadian Current Law, All the Law from Every Source

To some extent the above service can aid you to keep abreast of the status of current bills. C.C.L. digests all Canadian bills - public government bills and private member's bills of the federal government and all provinces and territories. Bills are arranged alphabetically by title within their jurisdiction (i.e. Canada, Alberta, Ontario, Etc.). An index at the end of each issue provides subject access. The date for each stage of consideration of a bill is given; the chapter number assigned when the bill becomes a law

and the date of coming into force are also given.

C.C.L. also lists new laws (federal, provincial, territorial) and new Regulations (federal, provincial, territorial) providing the Regulation number, page where found in the relevant gazette and digest of the content of the regulation.

OTHER SOURCES OF INFORMATION

For additional information on the legislative process, the following are useful:

1. Dawson, R.M. The Government of Canada. 5th ed. Toronto: University of Toronto Press, 1970.

2. Beauchesne, A. Rules and Forms of the House of Commons of Canada: A Compendium of Canadian Parliamentary Practice. 2nd ed. Toronto: Canada Law Book Co. Ltd.

3. Canada. Statistics Canada. Canada Year Book 1976/77. Ottawa: Supply & Services Canada.

ABREVIATIONS

Bill C	- House of Commons Bill (federal)
Bill S	- Senate Bill (federal)
c	- chapter
s	- section
ss	- sections

e.g. c. 3, ss. 2, 5

RSC	- Revised Statutes of Canada
RSO	- Revised Statutes of Ontario
RRP	- Revised Regulations of Ontario
SC	- Statutes of Canada
SO	- Statutes of Ontario
SOR	- Statutory Order and Regulation
SI	- Statutory Instrument
Sch	- schedule